

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 3, 4, and 6-17 are pending in the present application.

The outstanding Office Action rejects Claims 1, 3, 4, and 6-17 were under 35 U.S.C. §102(b) as anticipated by Suzuki et al. (U.S. Patent No. 6,245,982) in view of Evans et al. (U.S. Patent Publication No. 2004/0001695, hereinafter Evans).

With respect to the rejection of Claim 1 as unpatentable over Suzuki and Evans, Applicant respectfully traverses this ground of rejection. Claim 1 recites, *inter alia*,

obtaining, at the audio reproduction apparatus, a
***single audio data file having a data structure that
includes audio data, character data defining a shape of
a character, and motion data defining motion of the
character having the shape specified by the character
data.***

A proper combination of Suzuki and Evans does not disclose or suggest every element of amended Claim 1.

Page 6 of the Office Action acknowledges that Suzuki does not have the audio data, the character data, and the motion data in the data structure of a single audio data file. The Office Action relies upon Evans to cure this deficiency. Applicants respectfully traverse the position taken with respect to Evans.

Evans does not disclose a single audio data file having a data structure that includes audio data, character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data. Rather, Evans describes a DVD with multiplexed video packets and audio packets. The presence of video packets and audio packets in a data stream read from a DVD does not equate to the above-noted elements of Claim 1. An audio packet (a single audio file) of Evans does not have a data structure that includes audio data, character data defining a shape of a character, and motion data defining

motion of the character having the shape specified by the character data. An audio packet next to a video packet, as a result of multiplexing, does not change the data structure of the audio packet to have the claimed data structure. In other words, even if the multiplexing results in audio packets next to video packets, the audio packets still do not have a data structure that includes audio data, character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data.

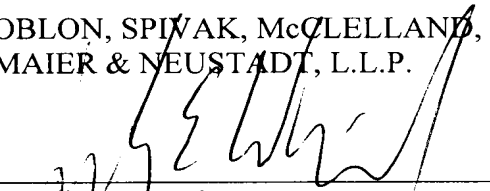
Thus, since Evans does not disclose the claimed data structure for the single audio file, a person of ordinary skill in the art could not modify Suzuki based on Evans to arrive at the invention defined by Claim 1.

In view of the above-noted distinctions, Applicant respectfully submits that Claim 1 (and any claims dependent thereon) patentably distinguish over a proper combination of Suzuki and Evans. Claims 4 and 17 recite elements analogous to Claim 1. Thus, Claims 4 and 17 (and any claims dependent thereon) patentably distinguish over a proper combination of Suzuki and Evans, for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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